

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

MRS. INCA MILLER, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:23-cv-00330

WV DEPARTMENT HEALTH HUMAN RESOURCES,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On April 12, 2024, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendations (“PF&R”), [ECF No. 9], and recommended that the court dismiss with prejudice this civil action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Objections to the PF&R were due by April 29, 2024. Neither party timely filed objections to the PF&R or sought an extension of time to do so.

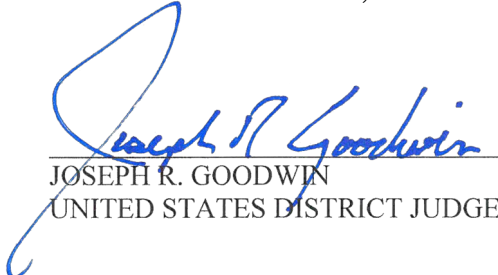
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **DISMISSES with prejudice** this matter from the docket for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Accordingly, Plaintiffs' pending motions, [ECF Nos. 10–15], are **DENIED as moot**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 27, 2024



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE